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**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

Adam Heggen, an individual

Plaintiff,

V.

Heavenly Valley, Limited Partnership; and  
Does 1-10, inclusive;

### Defendants.

Case No. 2:21-cv-00107-WBS-DB

**JOINT STATUS REPORT AND REQUEST  
TO CONTINUE STATUS CONFERENCE;  
ORDER**

**RELATED TO:** 2:21-CV-01260 WBS DB  
2:21-CV-01609 WBS DB  
2:21-CV-02251 WBS DB

Complaint Filed: October 21, 2020  
Date Removed: January 21, 2021  
District Judge: Hon. William B. Shubb  
Courtroom 5, Sacramento  
Magistrate Judge: Hon. Deborah Barnes  
Courtroom 27, Sacramento

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1           **TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD**

2           Pursuant to Federal Rules of Civil Procedure 16, 23(e), and 41(a), plaintiff Adam Heggen  
3 ("Plaintiff") and defendant Heavenly Valley Limited Partnership ("Defendant" or "Heavenly")  
4 (collectively "the Parties") hereby submit this joint status report regarding the status of the case and  
5 settlement approval process in this Action and four other related cases: *Gibson v. The Vail*  
6 *Corporation*, Case No. 2:21-cv-01260-WBS-DB (E.D. Cal.) ("Gibson"); *Hamilton v. Heavenly*  
7 *Valley, Limited Partnership*, 2:21-cv-01608-WBS-DB (E.D. Cal.) ("Hamilton I"); *Hamilton v.*  
8 *Heavenly Valley, Limited Partnership*, SC20210148 (El Dorado County Superior Court)  
9 ("Hamilton II"); and *Roberds v. The Vail Corporation et al.*, Case No. 2:21-cv-02251-WBS-DB  
10 ("Roberds"), as follows:

11           WHEREAS, on December 28, 2021, the Parties executed a formal, long-form Settlement  
12 Agreement that fully and finally resolves all claims in the Action, pending court approval, as well  
13 as claims pled in related cases *Hamilton I*, *Gibson*, *Hamilton II*, and *Roberds* ("the Settlement");

14           WHEREAS, on February 1, 2022, the El Dorado County Superior Court entered an Order  
15 in the *Hamilton II* action granting Plaintiffs' Motion for Preliminary Approval of the Settlement.  
16 The Order provisionally certified the settlement class, and ordered that notice be disseminated to  
17 all settlement class members ("Settlement Class Members"). Notice of class action settlement  
18 ("Notice") went out to over 100,000 Settlement Class Members on March 22, 2022. The deadline  
19 to object to or opt-out of the Settlement expired on May 20, 2022;

20           WHEREAS, after considering all final approval papers, all objections to the Settlement, and  
21 the arguments of counsel and other individuals at a final approval hearing on August 19, 2022, the  
22 El Dorado County Superior Court entered an Order in the *Hamilton II* action on August 19, 2022  
23 granting Plaintiffs' Motion for Final Approval of the Settlement ("Final Approval Order"). A copy  
24 of the Final Approval Order is attached hereto as **Exhibit A**;

25           WHEREAS the Final Approval Order made the following findings concerning the  
26 Settlement, which covers the claims in this Action, among others:

- 27           • The Settlement is fair, adequate and reasonable;  
28           • The distribution of the Notice to effectuate the Settlement has been completed in

1 conformance with the El Dorado Superior Court's February 1, 2022 Order Granting  
2 Preliminary Approval; the El Dorado Superior Court's March 8, 2022 Order  
3 Extending Time to Issue Notice of Class Settlement; and the El Dorado Superior  
4 Court's Order Granting Plaintiffs' Unopposed Ex Parte Application to Permit  
5 Dissemination of a Supplemental Text Message Notice and to Extend the Response  
6 Deadline to May 20, 2022;

- 7 • The Notice was adequate, satisfied due process requirements, and was the best  
8 notice practicable under the circumstances;  
9 • The Settlement Agreement is binding on all Settlement Class Members who have  
10 not timely opted out.  
11 • A Class is certified for settlement purposes only, which is defined as all non-  
12 exempt employees who at any time during the Covered Period worked for and were  
13 employed by Vail (including Defendant in this action) in the United States and  
14 worked primary at one of its resort locations or mountain facilities, with limited  
15 exclusions.  
16 • Judgment is entered.  
17 • El Dorado Superior Court will retain jurisdiction over the Parties to enforce the  
18 terms of the Judgment pursuant to California Rule of Court 3.769(h);

19 WHEREAS the Settlement provides that Plaintiffs will dismiss this action with prejudice  
20 within 28 days that the Final Approval Order becomes a final, non-appealable order;

21 WHEREAS, on or around September 24, 2022, non-parties John Linn and Mark Molina  
22 filed a motion to set aside and vacate judgment in *Hamilton II*, which is presently set for hearing in  
23 El Dorado County Superior Court on October 21, 2022;

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1 NOW THEREFORE, the Parties hereby jointly request that this Court continue the October  
2 11, 2022 Status Conference for a period of six (6) months, or April 11, 2023, or as soon thereafter  
3 as the Court's calendar permits.

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5 DATED: September 27, 2022

OGLETREE, DEAKINS, NASH, SMOAK &  
6 STEWART, P.C.  
7  
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By: /s/ name\n  
9 Evan R. Moses  
Melis Atalay  
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Attorneys for Defendant  
12 HEAVENLY VALLEY LIMITED  
13 PARTNERSHIP  
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DATED: September 27, 2022

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16  
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By: /s/ name\n  
18 Julian Burns King  
Elliot J. Siegel  
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21 ADAM HEGGEN  
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## ORDER

The Court having reviewed the foregoing stipulation, and GOOD CAUSE APPEARING  
THEREFORE, the Court orders as follows:

- (1) The Parties shall file a Joint Status Report addressing the status of the state court proceedings in Hamilton II, including the pending motion to set aside and vacate judgment, and any additional information regarding the settlement in this case, by December 5, 2022.

(2) A Status Conference is set for December 19, 2022 at 1:30 p.m.

## **IT IS SO ORDERED.**

Dated: October 3, 2022

William H. Shubbe

**WILLIAM B. SHUBB  
UNITED STATES DISTRICT JUDGE**